

substantial number of the members who voted for the bill were of the personal opinion that it is unconstitutional. This alone is enough to make it an unusual enactment of the Legislature. The General Assembly went even further, however, and placed in the bill the following provision (and I am now quoting Section 4 of the bill):

“And be it further enacted, that in the event this Act shall be declared valid by the Court of Appeals of Maryland, then Senate Bill No. 5 as enacted by the General Assembly at the special session of October 1965 shall not become effective and the Attorney General of Maryland is hereby directed to promptly request a judicial determination of this Act by the appropriate legal procedure.”

In view of this provision it is clearly the wish of a majority of the members of the Senate and of the House of Delegates that the constitutionality of Senate Bill 8 be determined immediately by the courts. All of us I am sure recognize that the power to declare a law unconstitutional rests exclusively with the courts. As your Governor, I am firmly of the opinion that Senate Bill 8 is unconstitutional in that it does violence to the “one man, one vote” principle stated by the courts. And, as I have said, the Attorney General and many members of the General Assembly believe Senate Bill 8 is unconstitutional. Opinions, however, do not make laws unconstitutional, and Senate Bill 8 will not become unconstitutional until the judicial branch of government has declared it to be such through appropriate legal procedures.

It is the demonstrated will of the General Assembly, as expressed in Section 4 of the measure, that the constitutionality of Senate Bill 8 be determined, not by opinions of individuals in the executive and legislative branches, but by the courts. The members of the General Assembly want the courts to take definite action on the bill and in good conscience I cannot, by the stroke of a pen, thwart the will of a majority of the General Assembly by denying them their day in court.

I have been urged by many to veto Senate Bill 8, and under ordinary circumstances I most assuredly would do this. However, I am convinced that a veto of Senate Bill 8 would keep alive the uncertainty surrounding reapportionment, for under the Maryland Constitution, a bill vetoed by the Governor becomes the first order of business at the next session of the General Assembly. This means that if I veto Senate Bill 8, it will be before the General Assembly the first day it convenes in January. It is possible that the General Assembly would override my veto and, in that event, Senate Bill 8